

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

CUSTOMS AND TAX ADMINISTRATION OF THE
KINGDOM OF DENMARK (SKAT) TAX REFUND
LITIGATION

18-MD-2865 (LAK)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/10/2018

This paper applies to All Cases.
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PRETRIAL ORDER NO. 4

LEWIS A. KAPLAN, *District Judge*.

This Court previously consolidated for pretrial purposes 53 cases commenced in this district, all of which allege in substance that the defendants engaged in a scheme, the goal of which was to obtain from SKAT tax refunds to which they were not entitled. The complaints seek damages on claims for fraud, payment by mistake, unjust enrichment, money had and received, and negligent misrepresentation.

On October 3, 2018, the U.S. Judicial Panel on Multidistrict Litigation consolidated for pretrial purposes the cases referred to above and transferred a large number of similar cases pending in other courts to the undersigned for pretrial purposes with the cases initially filed here.

In the circumstances, it is hereby

ORDERED, as follows:

1. Every paper hereafter filed in the consolidated action shall bear the caption set forth above and shall state in the caption in accordance with Pretrial Order No. 1 filed in 18-cv-4047 either that the paper applies to All Cases or, if it does not, the Southern District of New York docket number of each case to which the paper applies. *Counsel filing papers electronically shall ensure that each filing is made in the master docket and "spread" to each additional action to which it applies.* Counsel are invited to consult the Clerk's Office if assistance is required in complying with this direction.

2. All related actions subsequently filed in, or transferred to, this district shall be consolidated into this action, and shall be governed by this order, absent other orders of this Court. Any party to such an action objecting to consolidation or to any provision of this order, not later than ten (10) days after the date that such action is filed in, or transferred to, this district, shall file a motion setting forth such objections.

3. Any party hereto may file a Notice of Related Case promptly upon the filing in, or transfer to, this District of any case which that party believes is related to this action. Upon receiving such a notice, the Clerk shall:

(a) Place a copy of this order in the separate file for such action.

(b) Ensure that all counsel in these consolidated cases receive notice of electronic filing in such action of the filing of the Notice of Related Case.

(c) Make an appropriate entry in the master docket.

4. This order is without prejudice to the rights of any party to move to sever any claim or action.

5. Defendants' counsel in the cases originally filed in this district have moved to dismiss the complaints. All motions to dismiss that were pending at the time of transfer in cases subsequently transferred to this Court are stayed. The Court will determine what action should be taken with respect to the stayed motions following its decision on the pending motions.

6. Unless otherwise ordered, the following schedule shall govern further proceedings in these cases:

6.1. No additional parties may be joined after January 20, 2019.

6.2. No amendments to the pleadings shall be permitted after March 31, 2019.

6.3. The parties shall make required Rule 26(a)(2) disclosures with respect to:

(a) Expert witnesses on or before July 14, 2019.

(b) Rebuttal expert witnesses on or before September 15, 2019.

6.4. All discovery, including any depositions of experts, shall be completed on or before October 31, 2019.

6.5. A joint pretrial order in the form prescribed by Judge Kaplan's individual practices shall be filed on or before December 15, 2019.


6.6. No motion for summary judgment shall be served after the deadline fixed for submission of the joint pretrial order. The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pretrial order on

time.

7. The parties shall confer with a view to reaching agreement on a structure for leadership on the defendants' side by a lead counsel or a group of lead counsel. Any proposals or applications with respect to such matters shall be filed on or before October 24, 2018. Any responses to any such proposals shall be filed on or before November 7, 2018. The Court will hold a conference on November 20, 2018 at 9:30 a.m.

SO ORDERED.

Dated: October 10, 2018



Lewis A. Kaplan
United States District Judge